

**30206. Adulteration of tincture of strophanthus. U. S. v. Direct Sales Co., Inc., and George J. Dotterweich. Pleas of guilty. Fine, \$200 each. Payment of fine by George J. Dotterweich suspended. (F. & D. No. 40761. Sample No. 46513-C.)**

This product was sold under a name recognized in the National Formulary but differed from the standard laid down therein because of excessive potency, i. e., 250 percent of the potency required by the National Formulary for tincture of strophanthus.

On December 20, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Direct Sales Co., Inc., Buffalo, N. Y., and George J. Dotterweich, president of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about July 19, 1937, from the State of New York into the State of Pennsylvania of a quantity of tincture of strophanthus which was adulterated.

Adulteration was alleged in that the article was sold under and by a name recognized in the National Formulary but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, and its own standard of strength, quality, and purity was not declared on the container thereof.

On December 29, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$200 against the corporation and a fine of \$200 against George J. Dotterweich. Payment of the latter fine was suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30207. Adulteration and misbranding of acetylsalicylic acid compound capsules. U. S. v. Physicians Drug & Supply Co. Plea of nolo contendere. Judgment of guilty. Fine, \$25. (F. & D. No. 42605. Sample Nos. 9692-D, 9700-D.)**

This case involved two lots of drug capsules which contained less acetylsalicylic acid and phenacetin than declared on the label, and one of which contained less caffeine than so declared.

On December 23, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Physicians Drug & Supply Co., a corporation, Philadelphia, Pa.; alleging shipment by said company in violation of the Food and Drugs Act on or about January 11 and February 19, 1938, from the State of Pennsylvania into the State of New Jersey of quantities of acetylsalicylic acid compound capsules which were adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the capsules was represented to contain  $3\frac{1}{2}$  grains of acetylsalicylic acid,  $\frac{1}{2}$  grain of caffeine, and  $2\frac{1}{2}$  grains of phenacetin; whereas they contained less acetylsalicylic acid and less phenacetin than so represented (samples taken from the two shipments were found to contain not more than 3.112 and 3.176 grains, respectively, of acetylsalicylic acid and 2.188 and 2.31 grains, respectively, of phenacetin), and the capsules in one of the shipments contained less than  $\frac{1}{2}$  grain of caffeine, namely, not more than 0.446 grain ( $\frac{9}{20}$  grain) of caffeine.

The article was alleged to be misbranded in that the statements, "Capsule \* \* \* Acetylsalicylic Acid grs.  $3\frac{1}{2}$  Phenacetin grs.  $2\frac{1}{2}$ ," with respect to both lots and a statement "Caffeine gr.  $\frac{1}{2}$ ," with respect to one lot, were false and misleading. Misbranding was alleged further in that the statement "137 grains Phenacetin Per Ounce" was false and misleading in that it represented that each ounce of the article contained 137 grains of phenacetin; whereas each ounce of the article contained more than 137 grains of phenacetin, samples taken from the two shipments having been found to contain 166.7 grains and 168 grains, respectively, of phenacetin. The article was alleged to be misbranded further in that it contained phenacetin, a derivative of acetanilid, and the label on the package failed to bear a statement of the quantity or proportion of phenacetin contained therein.

On January 27, 1939, a plea of nolo contendere having been entered, the court adjudged the defendant guilty and imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*